IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 297 OF 2006

IN

APPEAL FROM ORDER NO. 17 OF 2006

SHRI MAHESH VINAYAK PAI, MUMBAI ....Applicant

Versus

SMT. RUPA MAHESH PAI, BARDEZ, GOA. ....Respondent

Mr. M. S. Joshi, Advocate for the Applicant.
Mr. J.P. Mulgaonkar, Advocate for the Respondent.

Coram:- A. P. LAVANDE, J.

Date:- 5th May, 2006

P.C.:

Heard Mr. Joshi for the Applicant and Mr. Mulgaonkar for the Respondent.

2. Mr. Joshi, learned Counsel appearing for the applicant orally seeks exemption from filing affidavit in support of the application on the ground that the Applicant is in Bombay and therefore it is not possible for him to file the affidavit in support of the application. Considering the submission made by Mr. Joshi, filing of the affidavit is exempted.

3. By this application the applicant who is respondent in Appeal from Order No.17/06 seeks modification of Judgment dated 4th May, 2006 passed in Appeal from Order No.17/06.

4. In order to enable the parties to get appropriate Order from the trial Court in respect of visitation rights of the respondent in the said Appeal,

the parties were directed to appear before the trial Court on 8th May, 2006 at 10 a.m. and the trial Court was directed to pass appropriate order on or before 10th May, 2006 after hearing the parties. Mr. Joshi, learned counsel appearing for the applicant submits that he could not contact the respondent in the said appeal and he would like his client to remain present at the time of hearing before the trial Court since the matter pertains to visitation rights of the applicant. He further submits that on account of the fact that very short time is available, it would not be possible for the respondent, who is employed in Bombay, to remain present before the Trial Court on 8th May, 2006. He therefore submits that the date for appearance before the trial Court be extended to 15th May, 2006 and the date for passing order be also extended to 17th May, 2006.

5. Mr. Mulgaonkar, learned counsel appearing for the respondent has no objection if the modification sought for by the applicant is granted.

6. In view of the above, paragraph 10 of the Judgment dated 4.05.06 in Appeal from Order No.17/06 is modified and the parties are directed to appear before the trial Court on 15th May, 2006 at 10 a.m. and the trial Court is directed to pass appropriate order on or before 17th May, 2006 after hearing the parties.

Application stands disposed of in the aforesaid terms.

A. P. LAVANDE, J.

sl.